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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

YEN, ERIC L

ART UNIT

PAPER NUMBER

2626

MAIL DATE

DELIVERY MODE

12/19/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/501,857	<b>Applicant(s)</b> MAJOR ET AL.	
	<b>Examiner</b> ERIC YEN	<b>Art Unit</b> 2626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 13 August 2008.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 10-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 10-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Response to Amendment***

1. In response to the Office Action mailed 5/13/08, applicant has submitted an amendment filed 8/13/08.

Arguments for allowability have been presented.

### ***Response to Arguments***

2. Applicant's arguments filed 8/13/08 have been fully considered but they are not persuasive.

Applicant argues that Yaker does not teach "a file directory configured to store a link to each program and file of the plurality of programs and other files, wherein the names of the links form a first active partial vocabulary of the voice recognition apparatus", because "Yaker does not teach storing a link (e.g., Windows shortcut) to each program and file, wherein the link forms part of the vocabulary of the voice recognition apparatus", emphasizing the lack of a link (Amendment, page 6).

The examiner respectfully disagrees, because windows shortcuts and other user interface features are not the only interpretations of "link". The claim language "a file directory configured to store a link to each program and file of the plurality of programs and other files" does not specify what the link is linking the files to. Therefore, as long as the file can be reached by anything, then there is a "link". Yaker teaches where a file in a word processing system is stored. The file, since it is in a computer system, is put somewhere in the memory and Yaker teaches naming that file. The file can be accessed somehow because the system would be useless otherwise. Yaker teaches

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uttering the file's name, such as "X" in "OPEN FILE X" to reach the file. Therefore, computer instruction(s) used to reference the file in memory corresponding to "X" in "OPEN FILE X" are the "link" used to access the file. The name of the set of computer instructions used to retrieve an item from memory is the "X" in "OPEN FILE X", and so Yaker's system stores the name of a file retrieving function (i.e., "X") and its corresponding file retrieving function (i.e., link) and uses it to retrieve a file.

Applicant then argues with respect to claim 13 that Yaker does not teach "the file directory contains a plurality of sub-directories in at least one subordinate hierarchy level, wherein names of the plurality of sub-directories together with the names of the links form a first active partial vocabulary". (Amendment, page 6). The examiner respectfully disagrees, because Yaker teaches storing a file and other software, so Yaker explicitly teaches a memory containing data. This renders obvious to one of ordinary skill in the art an organizational structure for information structure probably used in every computer system at the time of invention. Conventional computer systems have the files and folders used to provide this organizational structure in memory. Yaker's system is a "typical desktop computer set-up for home and office use" (col. 3, lines 43-56). Since conventional (i.e., typical) systems generally have files in folders and sub-folders, then Yaker's system renders files, folders, and sub-folders, obvious to one of ordinary skill in the art. Yaker provides an example of accessing a subset of information by uttering words. In the examples of "2.10" in col. 7, lines 25-50, 2 corresponds to "stored e-mail messages" and 10 corresponds to message 10 in the set of stored messages. This suggests a hierarchical organization because the "2"

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effectively limits the information to a subset of all of the information in memory, which is similar to having a folder. Therefore, it would have been obvious to one of ordinary skill in the art to apply file access to folders and subfolders in a "typical desktop computer" system.

Therefore, the examiner maintains the previous prior art rejections.

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 10-11 and 13-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yaker (US 5,950,167).

As per Claim 10, Yaker teaches a voice recognition apparatus comprising: a storage having a stored vocabulary of words to be recognized for voice control of a plurality of programs and other files, wherein each of the plurality of programs and other files is assigned a word of the vocabulary as a name, and a file directory configured to store a link to each program and file of the plurality of programs and other files, wherein the names of the links form a first active partial vocabulary of the voice recognition apparatus ("word processors, spreadsheets, electronic mail... voice-recognition unit",

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col. 3, line 57 – col. 4, line 24; “application program... open word processor... spreadsheet... name the file... save”, col. 5, lines 5-48; “voices ‘TWO’”, col. 6, line 39 – col. 7, line 5; “DECIMAL... SLASH”, col. 7, lines 5-24; “FILE X”, col. 5, line 63 – col. 6, line 16; “WHAT PROGRAM?”, col. 6, line 39 - col. 7, line 5; “executable software may be loaded for execution directly into volatile memory”, col. 3, line 57 – col. 4, line 24; where loading software effectively generates the data used for the application in memory).

Yaker does not explicitly state that there is a link between stored data and a directory system, however this is obvious to one of ordinary skill in the art at the time of invention given the commands Yaker teaches and conventional computer systems that include word processors and spreadsheets.

As per Claim 15, the limitations are similar to those in Claim 10, and so is rejected under similar rationale.

As per Claim 11, Yaker teaches wherein the names of the links are formed by voice commands, and the links define shortcuts to application programs (“FILE X”, col. 5, line 63 – col. 6, line 16; “WHAT PROGRAM?”, col. 6, line 39 - col. 7, line 5)

As per Claim 13, Yaker suggests wherein the file directory contains a plurality of sub-directories in at least one subordinate hierarchy level, wherein names of the plurality of sub-directories together with the names of the links form a first active partial

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vocabulary of the voice recognition apparatus lower down the hierarchy ("2 signifies stored email messages... '10' signifies stored message number", col. 7, lines 25-50; where the 2.10 represents a hierarchy of file portion 10 within file 2, and so Yaker teaches a hierarchy of data order. It would have been obvious to one of ordinary skill in the art to extend this to files/folders/sub-folders, because files/folders/sub-folders are a well-known hierarchical component in operating systems such as the frequently used Windows operating system. Also, it is well-known for e-mails to be arranged in "folders" as per Microsoft Outlook, for example.).

As per Claim 14, Yaker suggests wherein each program and file of the plurality of programs and other files is assigned from at least one of the plurality of programs and other files is assigned from at least one of the plurality of sub-directories a voice command comprising multiple connected parts that contain the names of the links from the file directory and the at least one of the plurality of sub-directories leading to the program or file ("2 signifies stored email messages... '10' signifies stored message number", col. 7, lines 25-50; similar rationale corresponding to that of Claim 13, above, where since Yaker teaches a hierarchical command "2.10", then Yaker suggests to one of ordinary skill in the art that this could be extended to files in folders. Also, it is well known for applications to be stored in folders in computer memory)

As per Claim 16, Yaker suggests effecting administration of the vocabulary by managing the file directory and at least one sub-directory without an additional

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vocabulary management program (“word processors, spreadsheets, electronic mail... voice-recognition unit”, col. 3, line 57 – col. 4, line 24; “application program... open word processor... spreadsheet...name the file... save”, col. 5, lines 5-48; where the system is capable of adding files/modifying files [managing the file directory] which exist in directories in a common computer system)

As per Claim 17, Yaker suggests creating sub-directories below the file directory in at least one subordinate hierarchy level in order to edit voice commands having multiple connected parts, and recognizing the voice commands having multiple connected parts in a multi-stage recognition process, wherein in the course of recognizing a switch is made from a first partial active vocabulary into an at least second active partial vocabulary (“OPEN FILE X”, col. 5, line 63 – col. 6, line 16; “software...stored in memory”, col. 3, line 42 – col. 4, line 4; where X can be replaced by any file name in the system, and so recognizing "open file x" concatenates information from recognizing, for example "open file" and "x" separately, which is a common way of performing speech recognition. It is also well-known in computer systems to allow an administrator to modify files that exist in folders, where the folders are used in operating systems for organizing purposes).

As per Claims 18-19, Yaker suggests recording new words or removing words from the vocabulary by effecting a program call via a context menu for a relevant program or file of the plurality of programs and other files ("NAME THE FILE... SAVE",



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col. 5, lines 15-30; where creating a new file suggests deleting files too in the context of computer systems because storage space is not infinite).

3. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yaker, as applied to Claim 10, above, and further in view of Viswanathan (US 6,345,253).

As per Claim 12, Yaker teaches wherein the names of the links are formed by voice commands, and wherein the links define shortcuts to files selected from a group consisting of text documents ("word processors, spreadsheets, electronic mail... voice-recognition unit", col. 3, line 57 – col. 4, line 24; "application program... open word processor... spreadsheet... name the file... save", col. 5, lines 5-48; "audio and video files", col. 1, lines 30-43).

Yaker fails to teach where the group further consists of music files and video files.

Viswanathan teaches where the group further consists of music files and video files ("audio or video file... document", col. 4, lines 37-48).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify Yaker to include the teaching of Viswanathan of where the group further consists of music files and video files, in order to incorporate different types of information in the database, as described by Viswanathan (col. 1, lines 30-43)

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4. Claims 20-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yaker, as applied to Claim 17, above, and further in view of Monaco (US 6,434,523).

As per Claims 20-21, Yaker fails to teach recording new words or removing words from the vocabulary by effecting a “drag’n’drop” procedure.

Monaco teaches recording new words or removing words from the vocabulary by effecting a “drag’n’drop” procedure (“visually representing the grammar...drag-and drop”, col. 6, lines 16-32; where a “grammar” is a vocabulary in speech recognition).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify Yaker to include the teaching of Monaco of new words or removing words from the vocabulary by effecting a “drag’n’drop” procedure, in order to allow users to create or edit grammars for speech recognition quickly and easily, as described by Monaco (col. 1, line 65 - col. 2, line 8).

### ***Conclusion***

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

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extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ERIC YEN whose telephone number is (571)272-4249. The examiner can normally be reached on M-F 7:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Edouard can be reached on 571-272-7603. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

EY 11/13/08

/Patrick N. Edouard/  
Supervisory Patent Examiner, Art Unit 2626